

REMARKS

I. Status Of The Claims

Claims 1-32 are pending in this application. The Examiner has withdrawn claims 8-13 from consideration, thus, claims 1-7 and 14-32 have been examined and stand rejected. Claims 1, 6, 8-12, and 29-31 have been amended. Claims 4, 5, and 7 have been cancelled. Thus, claims 1-3, 6, and 8-32 remain pending in this application.

Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing the pending claims in condition for allowance.

Applicant submits that the proposed amendments to claims 1 and 29-31 comport with the suggestion of the Examiner in the Office Action dated November 5, 2003 at p. 2. Specifically, the amendments to claims 1 and 29-31 incorporate the subject matter of claims 4 (polyols), 5 (amount of polyol), and 7 (fibers), and of the specification at p. 12, lines 11-15 (amount of fiber). Accordingly, claims 4, 5, and 7 have been cancelled. Claims 6 and 8 have been amended to change the dependency to claim 1.

Thus, these amendments do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

II. Rejoinder

“Where the requirement for restriction in an application is predicated upon the nonallowability of generic or other type of linking claims, applicant is entitled to retain in the case claims to the nonelected invention or inventions.” (M.P.E.P. § 809.04.)

Claim 1 was previously held unallowable. Thus, the Examiner had withdrawn claims 8-13 from consideration in this application. Based on the presumed allowability of claim 1, which has been amended in a manner deemed allowable by the Examiner, Applicants respectfully request rejoinder of claims 8-13.

III. Rejections under 35 U.S.C. § 103

Evison et al.

Claims 1-7, 14-24, and 26-32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 98/19652 ("Evison et al."). (*Office Action* at p. 2.) Applicant respectfully traverses this rejection.

Applicant respectfully disagrees that the claims are unpatentable over Evison. Nonetheless, to expedite prosecution, Applicant has amended claims 1 and 29-31 to incorporate the subject matter suggested by the Examiner in the previous Office Action dated November 5, 2003 (p. 2), as discussed above. Because the Examiner has determined that these amendments would render the claims allowable, Applicants respectfully submit that the claims, as amended, are not obvious over Evison and are now in condition for allowance.

Accordingly, Applicant respectfully requests withdrawal of this rejection.

Evison and Arraudeau

Claims 1-7, 14-24, and 26-32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 98/19652 ("Evison et al.") in view of U.S. Patent No. 4,659,562 ("Arraudeau"). (*Office Action* at p. 3.) Applicant respectfully traverses this rejection.

As discussed above, claims 1 and 29-31 have been amended in a manner suggested by the Examiner in order to put the claims in condition for allowance. Thus,

Applicant respectfully submits that the claims, as amended, are not obvious over Evison in view of Arraudeau and are now in condition for allowance.

Accordingly, Applicant respectfully requests withdrawal of this rejection.

Evison and Bara

Claim 25 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Evison in view of Bara et al. (U.S. Patent No. 6,177,091). (*Office Action* at p. 3.) Applicant respectfully traverses this rejection.

As discussed above, claims 1 and 29-31 have been amended in a manner deemed allowable by the Examiner. Thus, Applicants respectfully submit that the claims, as amended, are not obvious over Evison in view of Bara and are now in condition for allowance.

Accordingly, Applicant respectfully requests withdrawal of this rejection.

IV. Conclusion

In view of the foregoing, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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